



Nairobi, Kenya
30 August, 2017

Ipsos' Post-Election CATI Survey

Main Topics:

Local Violence and Police Response

Perceived Election Integrity

NASA's Decision to File Supreme Court Petition

The Chris Msando Murder

Introduction

Despite earlier statements by the NASA leadership to the contrary, late on Friday, 18 August (one week after IEBC Chairman Wafula Chebukati declared Uhuru Kenyatta and William Ruto had been re-elected as president and deputy-president, respectively), a petition was filed with the Supreme Court challenging this.

Several reasons (at the time, and subsequently) were given for this about-turn. One was that the 'targeting' of several civil society organizations that may have considering doing this had interrupted any such preparations. Another was that whatever the verdict of the Supreme Court, preparing evidence related to the election's conduct and putting it in the public domain would both challenge the legitimacy of Jubilee's victory and constitute an agenda for future electoral reform.

At the same time, the alleged ferocity of the response of the Kenya Police to protests and demonstrations (with "at least" two dozen killed by "live bullets", according to the government's own Kenya National Commission of Human Rights) required, NASA argued, an effort to reveal the legitimacy of these protests.

In advance of the actual start of the hearing of the petition, therefore, Ipsos felt that these critical national issues deserved attention, and which could be addressed through a short, quick national survey that the CATI platform allows.

In devising the sample, Ipsos utilized the mobile phone numbers willingly provided for such a purpose by respondents in a number of recent national household surveys, allocating the target of 1,000 according to Kenya's national population-distribution.



(For more details, see 'Survey Methodology', below.)

Suggested Story Headlines:

'Most Kenyans consider Police reaction to post-election protests/demonstrations as excessive, while few are confident they will be held accountable for the same'

'Kenyans attest to a variety of election irregularities before, on, and after August 8'

'Vast majority support NASA's decision to file presidential election petition, but are almost evenly split on whether they will get justice'

'Most Kenyans are aware of the Chris Msando murder, but few expect the killers to be found and convicted'

Important Note – Recent Events:

During and after the interviews were conducted, several developments occurred whose (full) impact may not be reflected in some of the results reported in this survey. Among them are:

- Supreme Court holds preliminary procedural hearings on the presidential petition case (26-27 August)
- Burial of (baby) Samantha Pendo in Ugunja (August 26)
- First day of full hearing of the NASA presidential petition case is held (August 28)

Key Points

1) Looking Back: Perceived Credibility of the Supreme Court

1. Two measures have been used in Ipsos' previous surveys to gauge the public's view of the Supreme Court, one general, and the other quite specific. The former is a "how much confidence" question. An examination of the results compiled over the last four years indicate that despite some rather minor fluctuations, the public's rating of the Court in these terms has changed little, with about two thirds giving either the highest ("a lot of confidence") or the second highest ("some confidence") rating in both 2013 and just recently (July, 2017). Similarly, the proportion giving it the lowest possible rating ("no



confidence at all”) remained almost constant throughout this period (with all ratings within a 2% range: 13% and 15%).

2. With specific regard to a (then) possible presidential election petition, in late July just under half of all Kenyans (48%) considered that the Court could reach a judgement free of bias based on either financial or political considerations. Yet this figure occluded a considerable contrast between Jubilee and NASA supporters, with almost twice as many of the former holding this positive view as the latter (61% vs. 36%).

In terms of the trend, this political alignment gap is visible over the year for which figures are available, even if there has been a slight upward trend in terms of such confidence in the Court across the political (i.e., Jubilee vs. CORD/NASA) divide. It will thus be important to measure attitudes words this apex of the Judicial branch once its decision(s) on the current petition have been rendered and those most directly involved have offered their own reactions.

2) Perceived Election Irregularities

While only a quite small minority attest to have witnessed any “irregularities” associated with the voting process on August 8 (8%), there is considerable regional variation, from highs in Coast, Nyanza and Eastern (14%, 13% and 13%, respectively) to lows in Rift Valley, Western and Central (4%, 2% and 2%, respectively – though note that – as noted – higher margins-of-error are associated with such regional sub-samples).

The most frequently mentioned among these are names missing from the Voters’ Register/other problems with the voter-identification kits (21%), followed by delays/hindrances related to voting (20%), disputes/perceived violations related to the signing of Form 34As (13%), the buying/selling of ID cards to prevent voting altogether (12%) and the intimidation of or by party agents (11%).

3) Post-Election Protests and Police Response

1. Following IEBC Chair Wafula Chebukati’s declaration of the presidential results around midnight on August 11, (apparently) spontaneous protests and demonstrations occurred in several parts of Kenya, most notable several lower-income areas of Nairobi and Kisumu. This is reflected in leading regional positions of Nyanza and Nairobi (45% and 31%, respectively) in



terms of whether any such activity occurred “in your locality”, based on a much lower national figure (13%). (It should also be noted that some of the

2. “demonstrations” that occurred, especially in Central, took place to celebrate rather to protest Jubilee’s win.)
3. Overall, about two-thirds of those reporting that such protests/demonstrations took place in their locality (69%) say they were accompanied by some type(s)/level(s) of violence. Among the two main areas of violence in regional terms (Nairobi and Nyanza), some three-quarters of respondents in each reported such violence (78% and 72%, respectively).
4. Such violence took a variety of forms. Most frequently mentioned were protestors destroying property (46%) and Police either beating or shooting tear-gas canisters at them (42%), or both. Though Police abuses are also mentioned, with them reportedly shooting protestors as well as innocent people with live bullets (28% and 12%, respectively), in addition to shooting at protestors with live bullets (22%). Some looting/robbing is also reported (18%).
5. Whether or not there was any such protests/Police actions in one’s locality, a clear majority (61%) acknowledged hearing (through the media or other reports) about any Police killings anywhere in Kenya. Residents in Nairobi and Nyanza lead in this regard (77% and 73%, respectively), with those in North Eastern and Eastern least aware of such reports (53% and 50%, respectively).

While region/geographical location is clearly associated with having such information, one’s level of education is, too, with those with no formal or incomplete primary education far less aware of such killings (14% and 57%, respectively) than those with any mid-level college and university education much more aware (69% and 76%). Whether such awareness is primarily a function of education – and thus interest in public affairs – as opposed to economic status – and thus allowing for greater media (and thus information) access cannot be determined by the data.

3. Again among all respondents, four-in-ten (40%) were able to name at least one person allegedly killed by the Police in their response to these protests/demonstrations, the names of two children being by far the most frequently mentioned: Samantha Pendo (29%) and Stephanie Moraa (17%); all others received far fewer mentions (8%).
4. Related to the above, more than one-third of Kenyans (37%) believe that the Police committed human rights abuses in their response to these



protests/demonstrations, though again with clear regional variations. Whereas more than half of the respondents in Nyanza and Nairobi expressed this view (62% and 53%, respectively), fewer than one-in-four in Rift Valley and Central did so (22% and 21%, respectively).

5. Among those who have heard about these alleged Police abuses (61%), half (51%) hold the view that none of officers involved will ever be held to account. By contrast, fewer than one-third are either “very confident” or “somewhat confident” that such accountability will be applied (25%)

However, there is a marked contrast between those who do and do not believe such violations were indeed committed by the Police, especially with regard to the lowest confidence level, with nearly twice as many of the former having “no confidence at all” in the imposition of such accountability as the latter (65% vs. 39%).

4) The NASA Petition at the Supreme Court

1. Given the critical role of the Chief Justice in the consideration of NASA’s presidential election petition as well as in the Judiciary more generally, respondents were first asked if they could name him. Fewer than half could do so (46%), though this national figure obscures a considerable range, from two-thirds in Nairobi (68%) to only one-quarter in North Eastern (26%).

As was the case with regard to awareness of alleged Police killings of election protestors, knowledge of the CJ’s name is correlated strongly with level of education. Specifically, whereas very few without any or having only minimal (i.e., only partial primary) education could name him (0% and 22%, respectively), most of those with higher levels (i.e., some or complete mid-level college or any level of university) education could do so (63% and 78%, respectively).

2. The awareness level of the fact that NASA has filed a presidential election petition at the Supreme Court is somewhat higher than that of the name of the Chief Justice, with more than three-quarters of all respondents (78%) able to identify the “legal action” that NASA took following the announcement of Uhuru/Ruto as having won the election.

For the regions, the variations are also less pronounced, ranging only from a high in Nairobi (89%) to a low in both Eastern and Western (73%).



In terms of levels of education, while the overall levels of awareness are higher, the contrasts are rather greater. These range of a low of those lacking any formal to those with at least some university education (43% to 97%, respectively).

3. Among those (78%) aware of this petition, support for NASA's decision to file it is strong, with two-thirds (67%) holding this view.

Again here, however, considerable regional variations are seen, with the greatest support for the filing of this petition in the ODM 'stronghold' of Nyanza (89%), and the lowest support in Jubilee's/Uhuru's 'stronghold' of Central (48%). (Why support for the petition is so low in Western – just 53% – yet this area is also quite strongly associated with the Opposition, is unclear.)

4. Among those (78%) aware of NASA's petition, slightly fewer than half (45%) have "a lot of confidence" that the case "will be decided fairly, without any political or financial interference." Among the rest, levels of confidence are divided between those having "some confidence" (16%), "only a little confidence" (10%), and "no confidence at all" (22%), leaving those who were "not sure" about this issue (7%).

Regional variations regarding such levels of confidence are again clear, with those having "a lot of confidence" ranging from a high in Central (65%) to a low in Western (23%). Indeed, it is only in this region that the lowest level of confidence (i.e., "no confidence at all") constitutes a plurality (39%).

5) The Msando Murder

1. Between half and two-thirds of all respondents (60%) could name the "senior IEBC official was found murdered just one week before the election" (i.e., ICT Director Chris Msando).

Regionally, such awareness ranges from a high in Nairobi (78%) to a low in Western (37%).

As with the other 'knowledge' questions, the disparities in terms of education level are even greater than in terms of regions. In particular, these range from

a low among those without any formal education (22%) to a high among those with at least some university education (87%).



2. Among those aware of Msando's murder, fewer than half (42%) are confident that the perpetrators "will ever be brought to justice."

Variations regarding such an outcome are again evident in regional terms. Most confidence is found among residents of Central and Rift Valley (58% and 51%, respectively), while the lowest levels of confidence are found

among those of Nairobi and North Eastern (28% and 8%, respectively). Just why such a high proportion of residents in the latter region should lack such faith (73%) is unclear.

Concluding Comment:

The main issues raised in this survey are clearly still outstanding. These include especially that of (1) accountability for the Police involved in responding to the protests and demonstrations that occurred following the declaration of the presidential result, (2) NASA's decision to file a presidential election petition with the Supreme Court, (3) the Court's perceived integrity/credibility (inevitably based on part on the outcome of the petition, and reasoning behind it), and (4) accountability for the Msando murder.

As such, future developments will affect the public's views regarding all three, beginning, it seems, with the second.

Future Ipsos surveys will therefore be able to explore these, among other issues, related to public confidence in key public officials and institutions.

Survey Methodology

In order to achieve the sample of 1,011 respondents, 4,324 contacts were made (some being multiple contacts with the same individuals) – all of whom had previously provided Ipsos with their mobile phone numbers during face-to-face, household interviews – were contacted. Interviews were conducted during August 24-25. Participants in the survey interviews had three language-options: English, Swahili and Somali.

Results were then weighted at the regional (former eight provinces) level. The margin-of-error attributed to sampling and other random effects for the entire sample

is +/- 3.2% with a 95% confidence level, however it varies and is higher for all sub-sections of the sample that are reported (i.e., by region, self-identified political



alignment, etc.). For demographic details of the sample, see the accompanying PowerPoint document.)

For further clarification or comments, please contact:

Hilda Kiritu
Director, Public Affairs
hilda.kiritu@ipsos.com
Tel. 020-3862721-33

Tom Wolf
Research Analyst
tpwolf1944@gmail.com
Tel. 0733-637023

Nicholas Mwenda
Project Assistant:
Nicholas.mwenda@ipsos.com